

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 3

**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 4, Subchapter 7, Article 4, Sections 3279 and 3280  
of the General Industry Safety Orders

**Portable Ladders****SUMMARY**

This proposed rulemaking action is being initiated at the request of the Division of Occupational Safety and Health (Division). The Division submitted a Form 9, Request for New, or Change in Existing, Safety Order, dated April 19, 2001, to amend the General Industry Safety Orders (GISO) to incorporate the most recent American National Standards Institute (ANSI) standard for portable ladders. This standard, ANSI A14.10-2000, permits the use of portable ladders known as Type IAA ladders with a weight capacity of 375 pounds. A number of ladder manufacturers now make the Type IAA ladders, which meet the specifications of the new ANSI standard for portable ladders. However, employers in California are precluded from using Type IAA ladders because they are not recognized by ANSI standards currently referenced in Section 3279 or 3280. This proposal will update the GISO to include the ANSI A14.10-2000 standard along with the other ANSI A14 portable ladder standards currently referenced in Sections 3279 and 3280.

The Division's Form 9 also included a request to amend Section 3278, Portable Wood Ladders. However, this section was not amended because ANSI A14.10-2000 only applies to reinforced plastic and metal ladders and not those constructed of wood.

**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION****Section 3279, Portable Metal Ladders.**

Existing Section 3279 specifies that portable metal ladders placed in service after April 18, 1999, shall meet the requirements of ANSI A14.2-1990, which is incorporated by reference. ANSI A14.2-1990 permits a maximum working load of 300 pounds for Type IA ladders. This proposal amends Section 3279 to incorporate the latest ANSI standard by reference, ANSI A14.10-2000, to allow the use of portable metal ladders that meet either ANSI standard. This revision is necessary to permit the use of Type IAA ladders which have a maximum working load of 375 pounds. The state's requirements for portable ladders in Section 3279 of the General Industry Safety Orders are equivalent to the federal requirements in CFR 1910.26, Portable Metal Ladders, except the

California also incorporates the ANSI A14 standard by reference. Therefore, the state's proposal is at least as effective as the federal counterpart.

#### Section 3280. Portable Reinforced Plastic Ladders.

Existing Section 3280 specifies that portable reinforced plastic ladders placed in service after April 18, 1999, shall meet the requirements of ANSI A14.5-1992, which is incorporated by reference. ANSI A14.5-1992 permits a maximum working load of 300 pounds for Type IA ladders. This proposal amends Section 3280 to also incorporate ANSI A14.10-2000 by reference to allow the use of portable metal ladders that meet the requirements of either ANSI standard. This revision is necessary to permit the use of Type IAA ladders which have a maximum working load of 375 pounds. There is no federal counterpart to Section 3280 for portable reinforced plastic ladders.

#### DOCUMENTS RELIED UPON

- The Division of Occupational Safety and Health (Division) Form 9, Request for New, or Change in Existing, Safety Order, dated April 19, 2001.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### DOCUMENTS INCORPORATED BY REFERENCE

- American National Standard for Ladders - Portable Special Duty Ladders, ANSI A14.10-2000.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate this document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

#### SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

## COST ESTIMATES OF PROPOSED ACTION

### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

### Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

### Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

#### ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.